

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE HERNANDEZ, et al.,
Plaintiffs,
v.
SURINDER SROA, et al.,
Defendants

No. 08-2804 MMC

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANT BNC
MORTGAGE, LLC'S MOTION TO
DISMISS; VACATING MARCH 13, 2009
HEARING**

Before the Court is defendant BNC Mortgage, LLC's ("BNC") motion to dismiss, filed November 7, 2008 and amended December 9, 2008. On January 13, 2009, BNC filed a Notice of Stay of Proceedings, by which BNC informed the Court it has filed for bankruptcy. As a consequence, plaintiffs' claims against BNC have been automatically stayed pursuant to 11 U.S.C. § 362(a).

In light of the automatic stay of proceedings against BNC, BNC's motion to dismiss is hereby DENIED without prejudice.¹

IT IS SO ORDERED.

Dated: March 4, 2009


MAXINE M. CHESNEY
United States District Judge

¹The hearing scheduled for March 13, 2009 is hereby VACATED.